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Paper No. 4

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OFFICE OF PETITIONS

In re Application of :
Jon Lee Howell et al : DECISION GRANTING
Application No. 09/923,838 : PETITION
Filed: August 6, 2001 :
Attorney Docket No. CH2827 US NA :

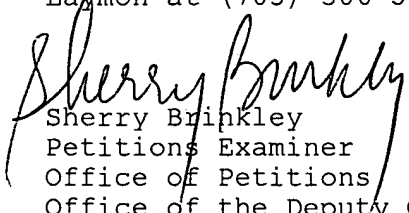
This is a decision on the paper styled "Request For Corrected Filing Receipt" filed on October 1, 2001, which is being treated as a petition under 1.10(d), requesting that the above-identified application be accorded a filing date of August 6, 2001, rather than the presently accorded filing date of August 7, 2001.

Applicants request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on April 23, 2001, pursuant to 37 CFR 1.10. In support, applicants submit, inter alia, a copy of a U.S. Postal Service (USPS) record styled "Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EL733094835US was picked up by the USPS from counsel's office. It is noted while the "Date of Pickup" on the record is not legible, it also includes a "Rodney Sq Sta USPS" stamp dated August 6, 2001. The same Express Mail receipt number appears on the original transmittal letter submitted with the present application.

Since the evidence from the USPS, namely, the Express Mail pickup Service Statement, corroborates a "date-in" of August 6, 2001, the petition is granted. A copy of the corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 1764 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt